

United States Court of Appeals for the Second Circuit
Thurgood Marshall U. S. Courthouse
40 Foley Square New York 10007

15-569cv

Beatrice Shirley Williams Steele,

Plaintiff,

V,

Trans Union , Experian

Defendant's

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U.S. COURT OF APPEALS
SECOND CIRCUIT

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On Appeal for the United States District court for the Southern District Court of New
York

Beatrice Shirley Williams Steele
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Bronx , New York 10452
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PAGE 5 State of the issues for review.

My case is a request for Trans Union , Experian Judgement for default

Trans union and Experian were properly served by marshalls and certified mail

My summons and complaint were in regards to trans union , Experian not responding or answering a request to have inaccurate information removed from my credit report .

Their defense was that I they settled with me out of court a couple of years ago and that this new complaint was because after being told that I was to contact them if they arose any problems \.

So I tried to contact them and they sent me a letter stated it would be corrected and I waited and nothing was corrected .

I tried calling and finally I started a new complaint with a summons issued to them.

That case number was 12 civ 310-gb Judge George b daniels

Entering in 5 typed pages to united states district judge Daniels for reconsideration

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U.S. COURTHOUSE – 500 PEARL STREET
NEW YORK, NY 10007

BEATRICE SHIRLEY WILLIAMS STEELE

CASE# 12 CIV 310-GB

V,

TRANS UNION, EXPERIAN

United States District Judge

George b. Daniels:

I was writing to ask for reconsideration in regards to the decision given on July 29, 2013.

Judgement for default as to trans union being able to have a set aside judgment . From the first law suit with settlement with trans union, the very first address issued was a p.o. box in which I have the address and then trans union issued me the address for contact with any legal disputes. I have since then also received a letter of communication from trans union urges me to contact them in any cases and allow for thirty days for correction. All this was done by myself your honor I wasn't trying to come back into court with this but I also told the attorneys that they should keep watch every so often because of the change in information being put on the credit report and public record. I have over five different addresses for trans union. I have sent out by express mail through the usps as well as u.s marshalls have several different addresses for contact . One of the amended contact addresses was a P.O. Box address in which the Marshall said they couldn't deliver , but to initiate the the law suit in 2010 this is one of the p.o. boxes that the summons and complaint was mailed out to and then the attorneys recorded in the court the address of contact for legal purposes with phones numbers.

After trying to contact them by phone and email and then with letters issued to them with no response I then filed a law suit within the southern district court.

Rule 55; Default Judgement (notes to advisory committee on rules 1937) Entering a default . When a party against whom a judgement for an affirmative relief is sought has failed to plead or otherwise defend and that failure is shown by affidavit or otherwise the clerk must enter a parties default amended march 2, 1987

(b) entering a default

(1) by the clerk the plaintiff claim is for a sum certain that can be made by compulation ,the clerk on the plaintiffs request with an affidavit showing that amount due must enter judgement for that amount and costs against a defendant who is neither a minor nor an incompetent person.

(2) by the court in all other cases the party must apply to the court for a default judgement.

If represented by a general guardian , conservator, or other like fiduciary who has appeared if the party against whom default judgment is sought has appeared personally or by a representative must be served notice in an application at least 7 days before hearing.

Trans union has sent in person their attorney Stephen Kirk to the New York southern district court to meet with me personally as were I signed the agreement for a release of a dismissal of case and and a settlement for a certain sum of money with an identity thief affidavit .

This is a rule 1937 Notes to advisory committee

Your honor Daniels, I gave the marshalls the address for delivery of trans union at two different addresses and they said (1) they couldn't deliver to a p.o. box and the other was none deliverable.

I will sent copies of what I am referring too, I am asking the court for reconsideration I am just a little concerned to the mailing addressing of the trans union. I don't want to have to keep going through this for correction of their mistake that they have all my information and after just one year already public information is inaccurate in which they have an identity thief report that they requested me to sign to the closing and settlement of the first case on file.

I will also sent a letter from trans union in which they have asked me to contact them first not at the p.o box addresses but their addresses. By law they the attorney should notify the courts of change of address if it differs from address entered in through court of contact. They weren't issued permission to accept the summons and complaint they didn't their secretary excepted the summons and complaint as Ms. Bishop and MR. Kling by express mail summons and complaint was issued to trans union to the p. o box Trans Union has serveral attorneys according to my records Timothy p Creech Esq and Kogan, Tricon & Wertheimer PC have the same address as a trans union p o box in Philadelphia PA 1913 counsel for trans union LLC then they have trans union LLC schuckit & Associates PC.

Almost a year had gone by with me trying to contact trans union with the dispute department as well as with the attorney. When I asked to speak with Stephen Kirk they said he no longer worked for schuckit and associates and put me on a voice mail recorder that on one ever contacts u back at.

Again your honor where do I send the summons and complaint since the U.S. Marshall doesn't deliver to P.O.Boxes and they don't respond to any address until they get a judgement for default who and where do I contact them at because I have serveral addresses as I have stated and the marshalls office said they can only go to one address issue. My plea is for justice and a relief sought and even as though

you have issued me the right to serve them again Where do I serve them to get an answer and do they have to Order of process was issued by the united states postal service to MR. kling and was signed.

Thank you your honor for taking out the time to even read my objections regarding the dismissal of the default that was certified with the court .

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12-CIV-0310

BEATRICE SHIRLEY WILLIAMS STEELE

v,

TRANS UNION, EXPERIAN

THANK YOU YOUR HONOR THAT IS THE TRUTH I ASKED THE PRO SE OFFICE IF I SHOULD FILE THE RECONSIDERATION MOTION AND THEY ANSWERED NO I SHOULD RESPOND TO THE JULY 29, 2013 MEMORANDUM AND ORDER.

THAN WAS TO GET THE MARSHALLS TO EXCEPT THE MOTION OF SUMMONS AND COMPLAINT WITH AMMENDED SUMMONS AND COMPLAINT WITH THE DEFAULT JUDGEMENT. I THEN DID AS I WAS TOLD AND BEGAN TO GET THE AMMENDED MOTION FROM THE COURT THEIR COPIES WITH SEAL ON IT AND HAND IT OVER TO THE US MARSHALL I DON'T KNOW TO MUCH ABOUT ALL OF THE MOTIONS AND RULES AND REGULATIONS YOUR HONOR BUT I AM LEARNING FROM HANDS ON EXPERIENCE.

IN WHICH HAS BEEN SOME EXPERIENCE HOWEVER, MY RECONSIDERATION WAS FOR THE DEFAULT JUDGEMENT TO BE RE-IN STATED AS TO THE FACT THAT PROPER SERVICE ON A CORPORATION WOULD BE BY CERTIFIED MAILING IN WHICH THAT WAS THE FIRST LETTER OF CONTACT ISSUED TO TRANS UNION AS WELL AS EXPERIAN. THE SECOND REACH OUT LETTER OR SHOULD I SAY SUMMONS AND COMPLAINT WITH DEFAULT JUDGEMENT WAS SENT OUT AGAIN BY EXPRESS MAIL WHICH WOULD ALSO HAVE A SIGNATURE.

MS. BISHOP BEING AN OFFICER OR EMPLOYEE RULE 4 (E) (1) MS. BISHOP WAS A AUTHORIZED EMPLOYEE BY LAW TO RECEIVE OR BE SERVED

(1) JUDICAL DISTRICT OF UNITED STATES

(A) SERVE THE UNITED STATES UNDER RULE 4(1) (3) IF THE PARTY HAS SERVED THE UNITED STATES OFFICER OR EMPLOYEE.

(B) BY DELIVERING A COPY OF SUMMONS AND COMPLAINT AND DEFAULT JUDGEMENT , A MANAGER OR GENERAL AGENT, OR ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR BY LAW TO RECEIVE SERVICE OF PROCESS AND OF A AGENT .

CFR 159.4 WHAT ACTRIVITEIS ARE PRE APPROVED FOR SERVICE CORPORATIONS

THIS SECITON SETS FORTH THE ACTIVITVES THAT HAVE BEEN PRE APPROVED

FOR SERVICE CORPORATIONS SECTION 159.3 (2) OF THIS PART SETS FORTH THE PROCEDURES FOR ENGAGING IN A BRODER SCOPE OF ACTIVITIES ON A CASE -BY CASE BASIS.

(C) CREDIT RELATED SREVICES, CREDIT ANALYSIS, CHECK OR CREDIT CARD GUARANITY, VERTIFICATION , CONSUMERS SERVICES HOMEOWNERSHIP

RULE 44 PROVING AN OFFICAL RECORD (A) BY A JUDGE OF A COURT OF RECORD IN THE DISTRICT OR POLITIAL SUB DIVISION WHERE RECORD IS KEPT

(II) PROVING A OFFICAL RECORD OF ATTORNEYS COMMITMENT TO CORPORATION (TRANS UNION) UPON REPRESENTATION.

20 CFR 404 .1006 CORPORATION OFFICER IF YOU ARE AN OFFICER OF A CORPORATION YOU ARE AN EMPLOYEE OF THE CORPORATION. IF YOU ARE PAID OR ENTITED TO BE PAID FOR HOLDING OFFICE OR PERFORMING SERVICES.

GENERAL AGENT IS ONE AUTHORIZED BY STATUTE AND THE STATUTE SO REQUIRES BY ALSO MAILING A COPY OF EACH TO EH DEFENDANT WITH CERTIFIED MAILING

On DECEMBER 21, 2013 AT 12:41 PM EXPRESS MAIL WAS DELIVERED TO TRANS UNION ACCEPTED BY R. PUTERBAUGH.

RULE 4(H) TO AN OFFICER , A MANAGING OR GENERAL AGENT, OR ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR BY LAW TO RECEIVE SERVICE OF PROCESS USING ANY FORM OF MAIL THAT THE ADDRESSES AND SENDS TO THE INDIVUAL AND REQUIRES A SIGNUTURE OR RECIEPT

AGENCY , CORPORATION COPY OF SUMMONS AND COMPLAINT TO CORPORATION , OFFICER, EMPLOYEE BY CERTIFIED MAIL CERTIFIED MAIL TO CORPORATION, AGENCY , OFFICER , EMPLOYEE.

CERTIFIED MAILING ISSUED TO TRANS UNION AND EXPERIAN IN JANUARY, MARCH, JUNE, AUGUST, OR 2013 I HAVE ISSUED YOU COPIES OF MAILING FOR EXPRESS MAIL AS WELL AS CERTIFIED MAILING.

YOUR HONOR I JUST RECEIVED YOUR LETTER WHICH IS AN ORDER STATING THAT I SHOULD HAVE ISSUED THIS INFORMATION TO YOU BEFORE BUT WHEN I ASKED THE PRO SE OFFICE SHOULD I STILL FILE THIS MOTION FOR RECONSIDERATION THEY SAID NO HANDLE THIS THE RE-SERVICING OF THE SUMMONS AND COMPLAINT. SO WHEN THEY TOLD ME TO DO THAT THAT IS WHAT I DID WELL HOPFULLY I WILL GET ONE ORDER OR JUDGEMENT FO R THE PLAINTIFF.

WHEN THE DIFFERENT CREDIT CARD ISSUERS SEE ALL THIS DENIAL AND SETTING ASIDE THEY DON'T THINK VERY HIGHLY OF ME BUT SEEM TO THEN START TO PERCUTE ME THEMSELVES AS I

STATEMENT OF THE CASE

See FRAP 28(a)(6), LR 28.1

A statement of the case briefly indicating the nature of the case, the course of proceedings, and its disposition in the court below.

An appellant's brief must name the judge or agency official who rendered the decision appeal from and cite the decision, if reported.

Yes the case was dismissed according to Judge Decision Daniels. I sought to show them that my address was reported inaccurate, my employer was inaccurate, and my credit card store cards were reported inaccurate. I sent my statements to show the judge no regards to inaccurate information, I never lived in Atlanta GA. ever I never worked for UPS my credit score was it increasing and I was paying my card bills on time every month. I needed to move out where I am living and because of my credit score and report that looked like inside of an unhealthy environment. The walls are moldy and I believe that from speaking with a house inspector said for my health that if I continue to live and breathe the pollution it would take 10 years off of my life.

STATEMENT OF THE FACTS

See FRAP 28(a)(7)

A statement of the facts relevant to the issues presented for review with appropriate references to the records as prescribed under FRAP 28(e).

Yes facts are that A Judgment for Default
Was entered by Clerk 7/31/2013 entered 12/20/2012

Judge Francis Filing error Motion to Set Aside entry of Default

Am appealing the Set Aside entry of Default

filing error

The error of my name being Beatrice Shirley Williams Steele
is the error being "Barbara"

When Beatrice Shirley Williams Steele is my legal name. Never used Barbara
The facts are that I have exhibits with these statements of
facts

Ms Bishop/
Mickley

Received Summons & Complaint

Rule 55: (1) (2)

Rule (4) (1) (3)

CFR 159.4

SUMMARY OF THE ARGUMENT

See FRAP 28(a)(8)

A summary of the argument may precede itself. A summary must contain a succinct, clear, accurate statement of the argument.

ARGUMENT

See FRAP 28(a)(9)

The argument must address the appellant's contentions with respect to the issues presented and the reasons for raising those issues with citations to the authorities, statutes and parts of the record upon which appellant is relying.

Default Judgment for Plaintiff
As to that Marshall As Well As USPS Served In Authorized
Employee by law to Receive or Be Served
Issuing Recrossedate Request

CONCLUSION

See FRAP 28(a)(10)

A short conclusion stating the precise relief sought.

Judgment for Plaintiff

For example:

I therefore respectfully ask that this Court reverse the judgment of the district court with a finding of fact in favor of the appellant. In the alternative the court should remand the case for a fair and impartial trial before an unprejudiced jury on proper evidence and under correct instructions as is just and proper.

Judgment for the Plaintiff

Respectfully submitted,

Beatrice Shirley Williams Steele

John Apellido, Pro Se
Plaintiff-Appellant

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

Beatrice Shirley Williams Steele v.

CERTIFICATE OF SERVICE

Docket Number: 15-569 C ✓TRAN Union, CorporationI, Beatrice Shirley Williams Steele,

hereby certify under penalty of perjury that on

6-19-2015 (name)I served a copy of Brief, cover sheet,Table of Contents, Issues Presented for Case, Statement of facts, Statement of Argument,
Conclusion. (list all documents)

by (select all applicable)*

- ☒ United States Mail
☐ Federal Express
☐ Overnight Mail
☐ Facsimile
☐ E-mail
☐ Hand delivery

on the following parties (complete all information and add additional pages as necessary):

United States Court of Appeals for 2nd Circuit Thurgood Marshall US Constitution

Name Address City State Zip Code

40 Foley Square New York 10007

Name Address City State Zip Code

Name Address City State Zip Code

Name Address City State Zip Code

6-19-2015

Today's Date

Beatrice Williams Steele

Signature

*If different methods of service have been used on different parties, please indicate on a separate page, the type of service used for each respective party.